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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,867	06/04/2001	Emad M. Awadalla	10007051-1	4669

7590 07/31/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

POLTORAK, PIOTR

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/873,867

Applicant(s)

AWADALLA, EMAD M.

Examiner

Peter Poltorak

Art Unit

2134

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 7, 8, 10, 17, 19-24 and 27-29.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 5. Applicant's reply has overcome the following rejection(s): claim 23 (and dependent claims 24-27) under 35 USC § 112 second paragraph rejection.

Continuation of 11. does NOT place the application in condition for allowance because: In the after final response applicant attempts to address the 35 USC § 112 rejection and contest the art of record as non relevant to the claim limitations.

Applicant clarified on the record the interpretation of claim 23 and as a result the 35 USC § 112 second paragraph rejection directed toward claim 23 is withdrawn.

However, claim 8 remains rejected under the 35 USC § 112 second paragraph.

In the after final response applicant attempts to address the 35 USC § 112 second paragraph directed towards claim 8 and contest the art of record as not relevant to the claim limitations.

Specifically, applicant provides an example that allegedly clarifies how receiving a decryption key can validate a flag. The disclosure from the specification is summarized by applicant with the statement that a "decryption key" "activates" implementation of the decryption algorithm. Applicant's arguments are not persuasive. Decryption key activating the decryption algorithm is not the same as receiving a decryption validates a flag. Furthermore, the part of the specification offered by applicant recites: "decryption may be based on recognition of one or more of a source identifier or a flag". This still does not clarify how "a decryption key can validate a flag".

Applicant argues that Goldstein is improperly combined to teach deficiencies of Mori. Specifically, applicant suggests that encryption of transmitted files common in telecommunication systems as disclosed by Goldstein is not common in relation to transmission of data files from a computer to a printer.

The carefully considered argument is found non persuasive. Inventions of Goldstein and Mori are directed towards data transmission from one computer to another computer (in Mori's invention one of the computers is a printer). Furthermore, applicant has already been provided with more than one example of implementing encryption of data transmitted to a printer (see paragraph 9 and 14 of the Office Action mailed out on 4/18/05 for example).

As per argument that the art of record does not disclose "providing unencrypted header with a flag recognizable solely by the printer that identifies the encryption algorithm" the examiner refers applicant to paragraph 11 of the last (Final) Office Action and to paragraph 4 of the Office Action mailed out on 10/06/04 wherein applicant was notified about the ambiguity of the phrase "recognizable solely by the printer" and the (never challenged) interpretation of the language.

Finally, as per applicant's argument that the art of record does not disclose an additional "decryption key" that corresponds to an identifier contained in a received header, wherein the decryption key "facilitates activation of decryption using a decryption algorithm identified by the identifier" the examiner points out that the limitation is clearly inherent. In the event of two entities communicating data using encryption, where one entity encrypts the data and the second entity decrypts the data both entities have cipher keys. In other words it is a decryption key that allows a receiving entity (a printer in this example) to decrypt data. Similarly to other types of data, a key must be input to a device in order to be present in and used by the device..

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